

FILED

MAR 24 2015

U.S. MAGISTRATE JUDGE
FOR THE WESTERN DISTRICT OF TEXAS
BY AD
SPECIAL DEPUTY CLERK

UNITED STATES DISTRICT COURT

for the

Western District of Texas

United States of America)

v.)

ERIC FLORES)

Case No. EP: 15-m-901-MATDefendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

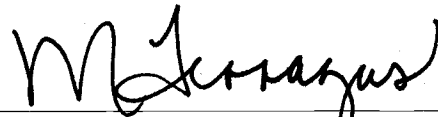
On or about the date(s) of February 4, 2015 in the county of El Paso in the
Western District of Texas, the defendant(s) violated:*Code Section**Offense Description*

18 U.S.C. 2252(a)

Knowingly received and distributed child pornography that had been transported in interstate commerce by computer.

This criminal complaint is based on these facts:

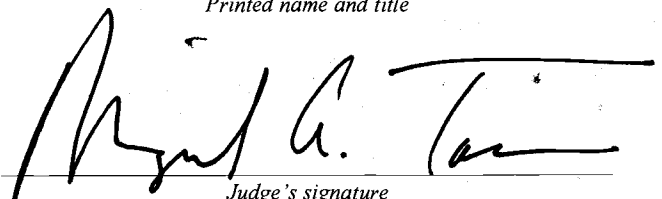
See attached Probable Cause Affidavit hereby incorporated by reference as if fully restated herein.

☒ Continued on the attached sheet.*Complainant's signature*

Martha Terrazas, Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 03/23/2015*Judge's signature*

City and state: _____

Miguel A. Torres, U.S. Magistrate Judge

Printed name and title

PROBABLE CAUSE AFFIDAVIT

I, Martha Terrazas, hereinafter referred to as Complainant, having been duly sworn, depose and state as follows:

Complainant is a Special Agent of the Federal Bureau of Investigation (FBI). Complainant is an investigative or law enforcement officer of the United States of America within the meaning of Title 18, United States Code (USC), Section 2510(7), that is an officer of the United States who is empowered by law to conduct investigation of, and make arrests for, offenses enumerated in Title 18.

The Child Exploitation Task Force (CETF), to which I am assigned, conducts ongoing undercover Internet-based investigation to identify persons that use the Internet to collect, trade, possess, or barter child pornography. On February 4, 2015 and February 6, 2015, an Online Certified Employee (OCE) observed that a computer using Internet Protocol (IP) address 70.120.161.168 was sharing files that contained child pornography. The OCE was able to download images indicative of CP from that IP address 70.120.161.168 using P2P software.

Peer to Peer (P2P) file sharing allows people using P2P software to download and share files with other P2P users using the same or compatible P2P software. P2P software is readily available on the Internet and often free to download. Internet connected devices such as computers, tablets and smartphones running P2P software form a P2P network that allow users on the network to share digital files. BitTorrent is one of many P2P networks. For a user to become part of the BitTorrent network, the user must first obtain BitTorrent software and install it on a device. When the BitTorrent software is running and the device is connected to the Internet, the user will be able to download files from other users on the network and share files from their device with other BitTorrent users.

One of the images shared by a computer at IP address 70.120.161.168 was titled "pthc_ptsc_9yo jenny in nylons and collar tied up.jpg" The image depicts a female, approximately 9 years of age, lying on a bed. The child is completely naked wearing only black, thigh high stockings. Her hands are tied above her head and her legs are tied and spread open exposing her genitals.

An administrative subpoena to Time Warner Cable revealed that IP address 70.120.161.168 resolved to an address in El Paso, Texas and that the subscriber was Ray Flores.

On March 6, 2015, members of the CETF executed a federal search warrant at the address provided by Time Warner Cable. Three individuals, including **ERIC FLORES (FLORES)**, were present at the residence during the execution of the search warrant.

FLORES was interviewed during the search of the residence. **FLORES** told agents where his computer was located and advised that the only other person who used that computer was his mother. Moreover, **FLORES** stated his mother only used the computer to pay the bills. **FLORES** stated he downloaded a large number of movies using U Torrent, a piece of peer-to-peer software which is a client owned and developed by Bit Torrent. It is a computer program designed for peer-to-peer file sharing when browsing the Bit Torrent protocol. The bit Torrent protocol coordinates segmented file transfer among peers connected to the network. **FLORES**

stated there was a possibility that he downloaded child pornography. **FLORES** stated that he has seen "thumb nails" of what appeared to be kids but that he would delete them.

During the search of **FLORES'** residence, all digital media was seized from the home and transported to the FBI field office. A forensic examination of the seized items was conducted. Upon examining the contents of the computer belonging to **FLORES**, numerous image files and video files depicting juveniles engaged in various sex acts and posing in ways that exhibited their genitals in a lewd and lascivious manner were found. Complainant has observed approximately 800 images thus far in the examination of the digital media.

Based on the evidence found on **FLORES'** computer, there is probable cause to believe that **FLORES** committed acts in violation of Title 18 U.S.C. 2252 (a) (Knowingly received and distributed child pornography that had been transported in interstate commerce by computer).